

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 DONALD MANNING,
12
13 v. Movant-Defendant,
14 UNITED STATES OF AMERICA,
15 Respondent-Plaintiff.

Civ. Case No.: 10cv833 BTM
Crim. Case No.: 06cr1021 BTM

JUDGMENT ON § 2255 MOTION

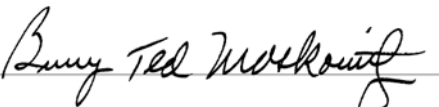
16 For the reasons set forth in the Court's Order Granting in Part and Denying in Part §
17 2255 Motion, Defendant's § 2255 motion is **GRANTED IN PART** and **DENIED IN PART**.

18 The motion is **GRANTED** as to Defendant's claim that his attorney was ineffective for
19 refusing to file a Notice of Appeal and is **DENIED** as the remainder of Defendant's claims.

20 The Clerk shall **VACATE** and **REENTER** the criminal Judgment in this case so that
21 Defendant may proceed with his appeal. A Certificate of Appealability is **DENIED** as to the
22 § 2255 claims denied by the Court.

23 **IT IS SO ORDERED.**

24 DATED: July 12, 2010

25 
26
27 Honorable Barry Ted Moskowitz
28 United States District Judge